

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

RONNIE KLEIN,)
vs. Plaintiff,))
ANDY MOON, et al.,))
Defendants.))
NO. CIV-06-0200-HE

ORDER

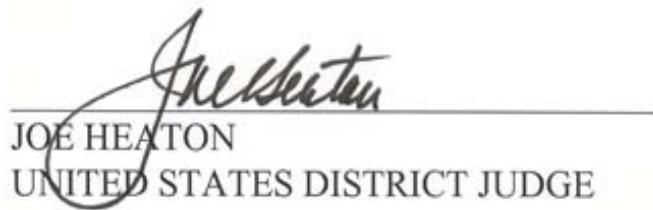
Plaintiff Ronnie Klein, a pretrial detainee, filed this lawsuit alleging that a package he was sent by his mother was improperly opened and its contents removed. He then amended his complaint to include a claim that his cell was searched and items were impounded in retaliation for filing this lawsuit. Consistent with 28 U.S.C. §636(b)(1)(B), the matter was referred to Magistrate Judge Robert E. Bacharach, who has recommended that the action be dismissed without prejudice due to the plaintiff's failure to plead and prove he satisfied the applicable statutory exhaustion requirement. 42 U.S.C. §1997e(a).¹ The plaintiff failed to object to the Report and Recommendation and thereby waived his right to appellate review of the factual and legal issues it addressed. United States v. One Parcel of Real Property, 73 F.3d 1057, 1059-60 (10th Cir. 1996). See 28 U.S.C. § 636(b)(1)(C); LCvR72.1(a).

¹*The magistrate judge notes that, while there was some uncertainty as to whether the plaintiff had exhausted the claims in his original complaint, he clearly had failed to allege exhaustion of his supplemental claims.*

The court agrees with Magistrate Judge Bacharach's analysis and adopts his Report and Recommendation. This action is **dismissed without prejudice**. This moots the motion to dismiss filed by defendants Moon and the Comanche County Jail [Doc. #22].

IT IS SO ORDERED.

Dated this 26th day of June, 2006.



JOE HEATON
UNITED STATES DISTRICT JUDGE